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COMMITTEE ON PETITIONS

(SIXTH LOK SABHA)

FIFTH REPORT

[*Presented to Lok Sabha on the 24th August, 1978*]

LOK SABHA SECRETARIAT
NEW DELHI

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COMPOSITION OF THE COMMITTEE ON PETITIONS

(1978-79)

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Shri I. Pershad—*Chief Legislative Committee Officer.*

Shri M. P. Gupta—*Senior Legislative Committee Officer.*

FIFTH REPORT OF THE COMMITTEE ON PETITIONS

(Sixth Lok Sabha)

I

INTRODUCTION

1.1. I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Fifth Report of the Committee to the House on the following matters:—

(i) Petition No. 15 regarding re-scheduling of Vimukat Jaties as Scheduled Tribes and their other demands.

(ii) Representation regarding provision of certain civic amenities in Harijan Colony, Sawan Park, Ashok Vihar, Delhi.

(iii) Action taken by Government on the recommendation contained in the Twenty-fourth Report of the Committee on Petitions (Fifth Lok Sabha) on the representation regarding insurance protection to mentally retarded persons.

(iv) Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirty-first Report (Fifth Lok Sabha) on Petition No. 7 regarding nationalisation of plantation industry and trade.

(v) Action taken by Government on the recommendations of the Committee on Petitions contained in their Thirty-fourth Report (Fifth Lok Sabha) on the representation regarding conversion of narrow-gauge railway lines of Jabalpur-Gondia, Gondia-Chandrapur, Nainpur-Mandla Fort and Nainpur-Chhindwara-Parasia-Nagpur into broad gauge lines.

1.2. The Committee considered the above matters at their sittings held on the 31st August, 13th September, 3rd October, 1977 and 27th and 28th June, 1978.

At their sitting held on the 3rd October, 1977, the Committee examined the representatives of the Ministry of Railways (Railway Board).

1.3. The Committee considered their draft Report at their sitting, held on the 16th August, 1978 and adopted it.

1.4. The recommendations/observations of the Committee on the above matters have been included in this Report.

HARI VISHNU KAMATH

Chairman,

Committee on Petitions.

NEW DELHI;

Dated the 16th August, 1978.

II

PETITION NO. 15 REGARDING RE-SCHEDULING OF VIMUKAT JATIES AS SCHEDULED TRIBES AND THEIR OTHER DEMANDS.

2.1. Shri Purnanarayan Sinha, M.P. presented to Lok Sabha on the 10th May, 1978, a Petition (*See* Appendix I) signed by Shri Nirmal Singh Nirmal, General Secretary, The Uttari Bharat Khanabadosh Vimukat Jaties Sangh, Ladhowal, Ludiana and others regarding re-scheduling of Vimukat Jaties as Scheduled Tribes and their other Demands.

2.2. The Committee considered the petition at their sitting held on the 27th June, 1978.

2.3. The Committee directed that the petition be circulated* in extenso to the members of Lok Sabha under Rule 307(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

*The petition was circulated *in extenso* to all Members of Lok Sabha on the 18th July, 1978.

III

REPRESENTATION REGARDING PROVISION OF CERTAIN CIVIC AMENITIES IN HARIJAN COLONY, SAWAN PARK, ASHOK VIHAR, DELHI.

3.1. Shri Khushi Ram and other residents of Harijan Colony, Sawan Park, Ashok Vihar, Delhi, addressed a representation dated the 2nd July, 1977, regarding provision of certain civic amenities in Harijan Colony Sawan Park, Ashok Vihar, Delhi.

A. *Petitioners' Grievances and Prayer*

3.2. In their representation, the petitioner stated as follows:—

"That the poor section of the Scheduled Caste community living in the slum area of Sabzimandi in a self effort to get houses for themselves purchased plots of land carved out of agricultural land in Wazirpur village by one Shri Ganesh das of Katra Neil, Delhi in the second half of 1952. Because of their economic poverty they could not afford to buy land in fully developed areas.

That the plot holders formed a soceity under the name "The Harjan House Construction Society" and approached the Delhi Administration to provide necessary basic amenities of life. The Delhi Administration agreed to provide these facilities to these persons. A copy of the proceedings of the 7th meeting of the Delhi Development Provisional Authority held on Monday, the 16th April, 1956, in this behalf is enclosed. (*See* Appendix II).

That it is more than two decades that the residents of the colony have not been provided with basic amenities in spite of numerous representations to the authorities concerned from time to time and they are living a life worst than animals. The colony has not been provided with sewage and water supply. Apart from health hazards and foul smell created by the night soil it is shameful to go out to answer the call of nature on the roads or railway track and that too male and female had to use the same track. The handpump water is also harmful for the health due to salty soil.

The other basic necessities such as disposal of dirty water, refuge etc. are not available as there is no outlet or drainage for such water and dust-bins have not been provided.

We, therefore, pray that directions may be given to the Delhi Administration and the Delhi Municipal Corporation to provide—

(1) Sewage facilities

(2) Drinking water supply

(3) Medical and educational facilities

(4) Public latrines

(5) Dust-bins

(6) Children Park

(7) Public transport."

B. *Factual Comments of the Ministry of Works & Housing.*

3.3. The representation was referred to the Ministry of Works and Housing for their factual comments thereon for consideration by the Committee. In their factual note dated the 21st January, 1978, the Ministry of Works and Housing have stated as follows:—

"Sawan Park is a private colony in which internal services are to be provided by the residents and not by the D.D.A. Regarding peripheral services of water supply and sewage disposal, the water and sewer connection can be provided to the residents on payment of the proportionate charges of Rs. 3,46,941.00 by the Society to the D.D.A.

Harijan Colony, Sawan Park, is an unauthorised colony constructed near Ashok Vihar in the Civil Line Zone. It is true that at present there is neither any drinking water facility nor sewerage facility, the colony being an unauthorised one. However, the matter has been taken up by the Water Supply and Sewage Disposal Undertaking of the Municipal Corporation of Delhi with the local Self Government Department Delhi Administration to organise whether funds could be arranged from Harijan Welfare Funds so that these facilities could be provided in the colony. The concerned Departments of the Delhi Administration has informed the Delhi Development

Authority to sponsor proposals relating to the improvement works in Harijan Basties and to provide water and sewerage facilities in this Colony.

As regards educational facilities, it is reported that there are two Primary Schools in Sawan Park Colony, one for girls and the other for boys running in a common school building having prefabricated type room in morning and evening shifts respectively. Water carriers and sweepers have already been provided in both the schools.

As regards sanitation arrangements it is reported that refuse removal work in the colony is being done daily by the sanitation staff of the Corporation.

As regards other facilities, as already stated in para 2 above, the proposals relating to the improvement work in Harijan Basties will be sponsored by the Delhi Development Authority."

C. Recommendation of the Committee

3.4. The Committee note from the factual comments furnished by the Ministry of Works and Housing that Sawan Park is a private colony in which internal services are to be provided by the residents and not by D.D.A. As regards peripheral services of water supply and sewage disposal, the water and sewer connections can be provided to the residents on payment of the proportionate charges of Rs. 3,46,941.00 by the Society to the D.D.A.

3.5. The Committee are not satisfied with the above reply sent to the Committee by the Ministry of Works and Housing. The Committee are strongly of the view that the relevant rules may be relaxed immediately by Government and the Committee further recommend that amount of financial assistance to which an individual Harijan is entitled by way of loan and grant for construction of a house in the rural area may be considered applicable not merely for construction of a house but also for development of the colony. Such financial assistance may also be given to the individuals who have already constructed their houses, for development and they may give the amount to the D.D.A. or any local authority for development either individually or collectively or through the Society.

IV

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATION CONTAINED IN THE TWENTY-FOURTH REPORT OF THE COMMITTEE ON PETITIONS (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING INSURANCE PROTECTION TO MENTALLY RETARDED PERSONS.

4.1. In their Twenty-fourth Report (5LS) presented to Lok Sabha on the 6th January, 1976 the Committee after considering the representation regarding insurance protection to mentally retarded persons, and the factual comments of the Department of Social Welfare made the following recommendation:—

> "The Committee note that Government propose to constitute a Working Group to go into the question of providing insurance protection to mentally retarded persons and work out a suitable project. The Committee recommend that the proposed Working Group should be expeditiously constituted and asked to submit its report at an early date. The Committee would like to be apprised of the findings and recommendations of the Working Group and the action taken by Government on those recommendations in due course."
>
> [Para 3.4, page 7, Twenty-fourth Report (5LS)]

4.2. The Department of Social Welfare, with whom the above recommendation was taken up for implementation, have stated in their communication dated the 6th March, 1978, as follows:

> "A Group Annuity Scheme for providing insurance protection to mentally retarded children has now been introduced by the Life Insurance Corporation of India. They have forwarded the copy of the scheme to voluntary organisations and circulated it to their divisional offices for implementation.
>
> In view of this, the recommendation may kindly be taken as having been fulfilled."

4.3. The Department of Social Welfare *vide* their communication dated the 17th April, 1978, have furnished a copy of the Group Annuity Scheme for providing insurance protection to mentally retarded children.

4.4. The Committee note the implementation by Government of their earlier recommendation on the matter contained in their Twenty-fourth Report (Fifth Lok Sabha).

V

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTY-FIRST REPORT (FIFTH LOK SABHA) ON PETITION NO. 7 REGARDING NATIONALISATION OF PLANTATION INDUSTRY AND TRADE

5.1. In their Thirty-first Report (Fifth Lok Sabha) presented to Lok Sabha on the 25th May, 1976, the Committee considered Petition No. 7 regarding nationalisation of plantation industry and trade and made certain recommendations.

5.2. The Ministries of Commerce, Labour and Works and Housing who were concerned in the matter were requested to implement the recommendations of the Committee, furnished notes dated the 28th December, 1976 and 10th March, 1977, indicating the action taken by Government on the observations/recommendations of the Committee in the matter.

5.3. The Committee at their sitting held on the 13th September, 1977, perused the action taken replies on the aforesaid recommendations of the Committee furnished by the Government. The Committee noted that the information furnished by Government was quite old and did not reflect the present position. The Committee, therefore, directed that the Ministries of Commerce, Labour and Works and Housing might be asked to furnish uptodate and revised information in the light of efflux of time both in regard to facts as well as the policy framework of the present Government.

5.4. The Ministries of Commerce, Works and Housing and Labour with whom the matter was taken up, furnished their revised notes dated the 30th January and 18th April, 1978, indicating the uptodate position of the action taken by Government on the observations/recommendations of the Committee which are given below seriatim:—

Recommendation in para 2.47 of the Report

The tea industry occupies a pivotal position in the economy of the country as it earns annually over Rs. 240 crores worth of foreign exchange and provides employment to over six lakh workers. Its importance cannot be minimised also from the point of view of internal consumption which being to the tune of 250 million kgs. per year, is the largest in the world. In this context, the Committee note with concern that a number of tea gardens in general, and in North-East India in particular, have closed down and many more sick and uneconomic gardens may be on the verge of closure owing to poor labour-management relations, lack of managerial skill, poor management of funds etc., thereby resulting in problems of unemployment to workers and adversely affecting the productivity of tea and country's earnings of foreign exchange by the export of tea. In fact this phenomena of closed gardens is manifest only in the case of tea plantations and the problem of closure of gardens has assumed alarming dimensions in the tea industry. Immediate take over of closed gardens, with a view to rehabilitate them and also to save thousands of workers from unemployment and economic hardship is therefore called for.

Reply of Government

Under the Tea (Amendment) Act, 1976, the Central Government had taken over 3 tea estates in West Bengal, *viz.*, (i) Vah-Tukvar Tea Estate; (ii) Pashok Tea Estate and (iii) Lookshan Tea Estate were handed over to the Tea Trading Corporation of India Ltd. for the purpose of management. In addition to the above the Government have since taken over the management of one more tea estate namely Kumai Tea Estate (also in West Bengal) the management of which has been given to West Bengal Tea Development Corporation Ltd., a State Government Undertaking.

Recommendation in para 2.48 of the Report

The Tea (Amendment) Bill, 1976, which has since been passed by Lok Sabha, empowering the Central Government to take over the management of sick and uneconomic tea undertakings or tea units initially for a period of five years has to be welcomed as a most timely measure. The Committee hope that this measure will go a long way in improving the position of sick and uneconomic units. The Committee would, however, like to suggest that the

Government may examine the desirability and feasibility of encouraging the formation of Co-operatives of contiguously situated closed, sick and uneconomic units with common factory processing and other facilities to make these units viable.

Reply of Government

The closed and sick tea gardens are confined to the organised sector of the industry. Unlike small growers, their holdings are much larger and most of them have their factories. Such sick tea units are scattered and are not confined to a particular area and in view of this the creation of Co-operatives of closed, sick and uneconomic tea gardens would not be practicable. Moreover, formation of co-operatives of companies owing large tea holdings may not be possible under the existing law. Incidentally the causes leading to the closure of sick tea gardens varied from unit to unit.

Recommendation in para 2.49 of the Report

The Committee have also considered the problem of unemployment amongst plantation labour which has arisen as a result of closed and sick gardens. This is a matter which has to be given the close attention that it deserves. The Committee are unhappy to be told by the representatives of the Ministry of Labour who appeared before them that the Central Government had not got any machinery whereby they could create employment opportunities. It was stated that unless certain sectors were there where employment opportunities could be automatically generated, the Central Government could not do anything. The Committee are unable to accept this position. The Central Government, who are a beneficiary of foreign exchange earnings from the tea export, should not sit on the fence and allow things to drift. The Ministry of Labour should, in consultation with the concerned State Governments, immediately explore all avenues for providing gainful employment to jobless workers in the existing plantations or elsewhere.

Reply of Government

Necessary instructions have been issued on 4th October, 1977 by this Ministry to the concerned State Governments/Union Territories of Andaman & Nicobar Islands to request the tea plantation authorities to report surplus labour to the State Directors of Employment for arranging alternative employment in the States and adjoining areas, and also not to resort to fresh recruitment till the persons rendered surplus in such tea plantations are adjusted against available employment opportunities.

Recommendation in para 2.50 of the Report

From the material placed before them, the Committee are inclined to agree with the complaint of workers that while plantations are earning huge profits, by having both internal as well as external market, particularly in respect of tea and coffee, the employers are not considerate enough in providing benefits to workers in the same measure to ameliorate their living conditions. In fact, the Study Groups of the Committee which undertook on the spot study visits of plantations received numerous representations from workers about low wages, delay in payment of wages and violation of the provisions of the Plantation Labour Act, 1951, requiring the employers to provide amenities to workers. From what the Study Groups have seen, it cannot be gainsaid that there has been an inexcusable laxity, neglect and lack of urgency on the part of the authorities in enforcing the provisions of the Plantations Labour Act, 1951. The Committee feel that the Central Government cannot disown its responsibility for giving proper and timely guidance to the State Government in so far as the implementation of the various provisions of the Plantations Labour Act, 1951, is concerned. The Committee would, therefore, like to stress that the Central Government should keep a constant watch to ensure that the interests of the workers are fully safeguarded and they get the benefits to which they are entitled. The State Governments should also be advised to enlarge and tighten their inspectorate machinery so that the employers are compelled to discharge their statutory and other obligations to the workers.

Reply of Government

The contents of this paragraph have been brought to the notice of the State Governments for appropriate action.

While the States having a large number of plantations recognise the need for enlarging and tightening their inspectorate machinery, the others having small plantations do not consider it necessary.

Recommendation in para 2.51 of the Report

The Committee note that the wages of the plantation workers are fixed as per the settlements reached between the Workers Unions and Planters' Associations or as per wage notifications issued by the concerned State Governments, after taking into account the increased cost of living for fixation of wages. During evidence, the representatives of the Ministry of Labour informed the Committee that in

all the plantation States, namely, Assam, West Bengal, Kerala, Karnataka and Tamil Nadu, there has been steady and gradual revision of wages all along the line, but no estimate as such has been made as to what should be the living wage in plantations.

Reply of Government

No action is called for.

Recommendation in para 2.52 of the Report

The Committee feel that although the plantation workers are receiving the wages and bonus which are settled from time to time between the planters and the workers, the total amount of money received by a worker during a year cannot be called a living wage. The daily wage being paid to a plantation worker in Karnataka and Tamil Nadu is between Rs. 4.20 and Rs. 6.48 only on the basis of which the total annual wages earned by a family consisting of the husband and wife amount to between Rs. 2,000 and Rs. 2,500 only. The plantation workers do not also have any other work to fall back upon during the lean months in the plantations. The Committee feel that a revision of the wage structure in the plantation industries is urgently called for.

Reply of Government

The contents of this para have been brought to the notice of the concerned State Governments for appropriate action.

Recommendation in para 2.53 of the Report

The Committee note that the Equal Remuneration Act, 1975, enjoins that there shall be equal pay for equal work for both men and women workers. During their on-the-spot study visits to plantations, the Study Groups of the Committee found that the provisions of this Act were being circumvented by the dubious method of categorising male and female workers into Grade I and Grade II with a view to give them different wages. The Committee would like this matter to be investigated by the Central Government with a view to take suitable corrective measures.

Reply of Government

From the replies furnished by the State Government of Bihar, Himachal Pradesh, Kerala, Tamil Nadu and Uttar Pradesh, it is observed that provisions of the Equal Remuneration Act, 1975 have

been implemented in respect of plantation workers and that equal wages have been prescribed for both male as well as female workers under mutual settlements between the managements and unions.

Final replies from the State Governments of Assam, Karnataka, Tripura and West Bengal are still awaited.

Recommendation in para 2.54 of the Report

The Committee note that at present the wages of plantation workers in various States are generally settled State-wise on the basis of collective bargaining between the workers and the planters.

It has been represented to the Committee that this system of collective bargaining separately in each State causes difficulties to workers inasmuch as it leads to fixation of different scales of wages in diffrent States, thereby weakening the position of workers in respect of their power of collective bargaining. The Committee recommend that Government may, after going into all aspects of this matter, consider the question of fixation of a national wage for plantation workers throughout the country.

Reply of Government

In view of the recommendation made by the Committee on Petitions, the matter was taken up again with the concerned State Governments, *i.e.*, Governments of West Bengal and Tamil Nadu. While the Government of Tamil Nadu welcome the fixation of a national wage for plantation workers throughout the country, Government of West Bengal feel that there should be a scope for a fair wage by collective bargaining instead of setting up a Central Wage Committee for standardisation of wages of plantation workers.

Due to the fact that apart from coverage of employment of plantation workers under the Minimum Wages Act, 1948, there is a well-developed system of fixation of wages in the plantation industries in each region through collective bargaining. Hence, it is felt that attempting to standardise wages in the plantation industry throughout the country is neither feasible nor desirable.

Recommendation in para 2.55 of the Report

The Committee find that the percentage of permanent workers on the plantations is on the decline and the planters seem to have

adopted a device to employ more and more temporary and casual workers with a view to escape their statutory obligation to provide housing and other facilities to permanent plantation workers. The Committee feel that this matter also needs investigation, so that suitable steps could be taken including, if necessary, by and amendment in the Plantations Labour Act, 1951.

The Committee note that under the various provisions contained in the Plantations Labour Act, 1951, the employers are under a statutory obligation to provide housing, medical, educational, recreational facilities to the plantation workers and also to make provision for other amenities, such as a sufficient supply of wholesome drinking water at convenient places, a sufficient number of latrines and urinals so situated as to be convenient and accessible to workers, canteens, creches, etc. The standards and specifications of these facilities, wherever necessary, are prescribed by the State Governments under the rules framed by them under the said Act. The Committee are unhappy to note that the extent and the quality of the provision of these facilities by the employers to plantation workers leave much to be desired.

Reply of Government

The amenities, such as, wholesome drinking water, latrines and urinals, canteens, creches, etc., are reported to have been provided to the plantation workers. However, the contents of this paragraph have been brought to the notice of the State Governments who will keep a constant watch to ensure that statutory obligations are discharged by the employer.

Recommendation in para No. 2.56 of the Report

In regard to Housing, the Committee find that even the prescribed minimum percentage for the construction of houses every year, *i.e.*, 8 per cent has not been adhered to. In spite of the subsidised housing scheme, only above 60 per cent to 80 per cent of permanent workers have been provided houses in the States in the southern region and this percentage is even lower in the States in the North-Eastern region. It is also found that there is no proper maintenance of the houses inasmuch as they do not have proper sanitation facilities and electricity.

The Committee find that the scheme of subsidised housing for plantation workers did not make any headway till 1970-71, when it

was included in the Central Sector. Even thereafter, the progress has not been very much encouraging. The representative of the Ministry of Works and Housing informed the Committee during evidence that a high powered Committee consisting of Union Minister of Works and Housing as Chairman, Union Labour Minister and Works and Housing and Labour Ministers of the concerned six States, namely West Bengal, Tripura, Assam, Karnataka, Tamil Nadu and Kerala, set up in August, 1974, has made certain recommendations to speed up the pace of progress under this scheme including a recommendation regarding simplification of procedure for giving loans to the employers. The Committee hope that the recommendations of this Committee would be expeditiously implemented. The question of enhancing the quantum of loans from the existing limit of Rs. 5,000 per unit may also be considered.

Reply of Government

According to the Plantations Labour Act, 1951, the planters are required to provide suitable residential accommodation for their eligible workers and the model rules framed thereunder require the employers to construct houses for at least 8 per cent of their eligible workers every year until all of them are adequately housed. Many planters were unable to meet this statutory obligation due to financial difficulties. Consequently, a scheme known as 'The Plantation Labour Housing Scheme' was introduced in April, 1956, to help the planters especially the smaller ones, to fulfil this obligation. The scheme did not make much headway when it was in the State Sector. The scheme was therefore transferred to the Central Sector with effect from 1-4-1970. Since then considerable progress has been made in the sanctioning and construction of houses. For lack of adequate funds the progress had not been to the required extent in the past. A sum of Rs. 80 lakhs was released to the State Governments for implementation of the scheme during 1976-77. For the year 1977-78, the budget provision for implementing the scheme has been stepped upto Rs. 210 lakhs and the entire sum is being made available to the concerned State Governments. With this, it is hoped the progress in the implementation of the Scheme would be accelerated.

It is for the State Governments and the Planters to ensure proper maintenance of the houses and to ensure the provisions of proper sanitation facilities and electricity. However, the observation of the Committee has been brought to the notice of the State Governments concerned for compliance.

As already indicated in para-wise reply to point No. 9(d) of the list of points concerning this Ministry forwarded with this Ministry's Office Memorandum No. H-11013/2/76-HI dated the 14th May, 1976, decisions on most of the recommendations of the High Level Committee of Ministers held at Ooty on 5.10.1974 have already been taken and communicated to the State Governments concerned. The State Governments have also been requested to implement the decisions.

As regards the question of enhancement of ceiling cost under the Subsidised Housing Scheme for plantation workers, it may be stated that the ceiling costs were enhanced in March, 1975 on the recommendation of the High Level Committee of Ministers. Besides, the Government of West Bengal, the Consultative Committee of Plantation Associations, Calcutta represented for further enhancement of ceiling cost for construction of houses under the scheme. The data received from them in support of their proposals were referred to N.B.O. and they have made certain observations. The comments of the Government of West Bengal on the observations made by the N.B.O. have been called for, with a view to examining the case further.

Recommendation in para 2.57 of the Report

In regard to medical facilities, it is found that several plantations are without garden hospitals or dispensaries. Even where hospitals or dispensaries exists, there is death of qualified medical staff and only ordinary and cheap medicines are provided to the workers. Although the Plantations Labour Act, 1951, provides for the reimbursement of expenses on treatment and medicines, if the prescribed medical facilities are not provided and maintained by the employer, the workers in practice do not get the benefit of this statutory provision. The drinking water facility is also unsatisfactory in most of the plantations and generally the streams are the main source of drinking water which are more often than not polluted. The same unsatisfactory position obtains in respect of other facilities and generally the planters are either not at all discharging their obligation or they discharging only in part. The Committee note that in order to enforce the provisions of the Plantations Labour Act, 1951, the concerned State Governments have inspectors who move about in their respective areas for a check. The Committee find that this enforcement machinery in the States is thoroughly inadequate to discharge the responsibility cast upon them. In some of the States, the number of inspectors is too small;

for instance in West Bengal it is only four. The Committee cannot too strongly emphasise the need for strengthening the enforcement machinery. Suitable transport facility may also be provided to the inspection staff to facilitate their work.

Reply of Government

In their Plantations Rules the State Governments have prescribed the limit of workers for whom garden hospitals should be provided. These have not been provided by the employers where the number of workers employed are less than those prescribed by the Rules. However, wherever necessary, corrective steps are being taken by the concerned State Governments to ensure that there is no violation of the provisions of the Act and in case of persistent violations, prosecution are launched against the defaulters. However, the contents of this paragraph have been brought to the notice of the concerned State Governments for appropriate action wherever necessary.

Recommendation in para No. 2.58 of the Report

The Committee note that the Commodity Boards namely the Tea Board, the Coffee Board, the Rubber Board and the Cardamom Board, have also been undertaking several supplementary welfare measures not covered by the general labour laws or the Plantations Labour Act, 1951. These Boards are making in their respective budgets every year certain provision for welfare measures like educational stipends and scholarships, capital grants for constructions of school buildings and hospitals and for creating facilities for specialised treatment of diseases like T.B., Cancer, etc. The Boards have also a whole-time officer for labour liaison. That being the position, it need hardly be emphasised that there should be close and constant co-ordination between these Boards and the concerned state Governments. The Committee are however, surprised to learn that there is no such coordination and in spite of the advice given by the Central Ministry of Commerce, the State Governments have not evinced the required interest in this regard. The representative of the Ministry of Commerce has informed the Committee during evidence that the Ministry have been writing to the State Governments to associate the Commodity Board in the work of implementation of the plantation labour laws, but they have expressed their reluctance to add any member on their Advisory Boards or Committees. On the other hand, it has been represented by officials of a certain State Government who have had a discussion with the members of the Study Group of the

Committee during its on-the-spot visit to that State, that the State Government remains totally in the dark about the schemes launched by the Coffee Board/Tea Board for giving incentives to plantation workers providing stipends and various medical facilities etc., to them, and that there is no machinery for coordinating the labour welfare activities for plantation workers between the State Labour Department and these Boards. The Committee are unable to appreciate this kind of situation and would like the Central Government to take a positive initiative in evolving a suitable coordination machinery to secure a close and constant liaison between the agencies of the State Governments and Commodity Boards in respect of welfare amenities to plantation workers.

Reply of Government

The Central Goernment is already conscious of the need for coordination between the concerned commodity Boards and the Governments of the Commodity producing States. Keeping this in view, necessary provisions have been made in the Tea, Coffee, Rubber, and Cardamom Acts and rules made thereunder for representation of the State Governments on the Commodity Board. On the recommendation of the State Government concerned, their representatives are appointed as members of the Boards. It is, therefore, necessary that the State Government representatives on the Boards should coordinate effectively between their Governments and concerned Boards. The State Governments may be asked to ensure proper coordination between them and the Boards for effective enforcements of the provisions of the Plantation Labour Act, 1951. For achieving better results, it is considered necessary that a nominee of each of the Commodity Board should be represented on the Labour Welfare Advisory Boards or Committees of the concerned State Governments.

Recommendation in para 2.59 of the Report

The Committee have been informed that one of the main impediments standing in the way of implementation of the various welfare measures provided in the Plantations Labour Act is the inadequacy of the punishment provided for the violation of the provisions of the Act. It has also been represented that the Courts generally take a very lenient view of the violations of the provisions of the Act and the punishment awarded by them does not deter the employers from violating the statutory provisions. In regard to this, the Committee note the amendment to the Act for insertion of new Section 37A suggested by the Joint Committee on

the Plantations Labour (Amendment) Bill, 1973, which is now pending before Parliament. The Committee hope that after this Amending Bill is enacted, the position would improve and the enforcement of the provisions of the Act would be speedier and easier.

Reply of Government

As stated by the Committee the position would improve after the Plantations Labour (Amendment) Bill, 1973 is passed by Parliament.

Recommendation in para 2.60 of the Report

The Committee learn that while six weeks' maternity leave after delivery is provided to the female workers, they are generally deprived of the six weeks' pre-natal maternity leave admissible to them. The Committee urge that this matter may be examined by the appropriate authorities concerned and suitable remedial steps taken.

Reply of Government

Section 5(3) of the Maternity Benefit Act, 1961 provides that the maximum period for which any woman shall be entitled to maternity benefit shall be twelve weeks. No complaints are reported to have been received by the State Governments. However the contents of this paragraph have been brought to the notice of the State Governments who will no doubt take steps against the defaulting employer as and when a complaint is received by them.

Recommendation in para 2.61 of the Report

The Committee note that the petitioners' plea for nationalisation is mainly on account of non-implementation of the provisions of the plantation labour laws and unemployment of workers of the sick and closed tea gardens. The Committee hope that with the provision of more stringent punishment to the defaulting employers removal of the lacunae in the existing Plantations Labour Act, 1951, setting up of an enforcement machinery for ensuring proper implementation of the provisions of the Act, creation of a coordinating agency comprising the Commodity Boards and the State Governments and the enactment of the Tea (Amendment) Bill, 1976, empowering the Central Government to take over the management of

the sick and uneconomic units, there would be perceptible improvement in the conditions of the plantation labour. If these measures do not improve the conditions of plantations, the Government should not hesitate to take them over.

Reply of Government

As already stated in reply to paragraph 2.47, Government have since taken over some closed, sick and uneconomic tea gardens. As regards creation of coordinating agency comprising the Commodity Boards and the State Governments concerned, this Ministry feels that a Standing Committee, comprising the representatives of all the production State Governments and the Tea Board, the Coffee Board, the Rubber Board and Cardamom Board be set up to periodically review the implementation of various Labour Welfare measures and ensure strict enforcement of the provisions of the Plantation Labour Act, 1951.

Observations of the Committee

5.5. The Committee note the action taken replies furnished by the Ministries of Commerce, Labour and Works and Housing indicating the action taken by Government on the observations|recommendations of the Committee contained in their Thirty-first Report on the matter.

5.6. The Committee note that under the Tea Amendment Act, 1976, the Central Government have already taken over four sick tea estates and their management have been handed over to the Government Undertakings for the purpose of efficient management. The Committee feel that this is a step in the right direction. The Committee hope that with the take over of the sick tea estates, their working would improve.

5.7. The Committee note that a sum of Rs. 80 lakhs had been released by the Central Government to the State Governments for implementation of the Plantation Labour Housing Scheme of subsidised housing for plantation workers during 1976-77. For the year 1977-78, the budget provision has been stepped upto Rs. 210 lakhs and th eentire sum is being made availablc to the concerned State Governments. The Committee hope that Government will continue to make adequate budgetary provisions for implementation of this Scheme to provide for construction of houses for plantation labour in concerned States and Union Territories so as to fulfil the statutory obligation.

5.8. The Committee note that for coordination between the Commodity Boards and the Governments of the commodity producing States, necessary provisions have been made in the Tea, Coffee, Rubber and Cardamom Acts and rules made thereunder for representation of the State Governments on the Commodity Boards. On the recommendation of the State Government concerned, their representatives are appointed as members of the Boards. Further, the Ministry of Commerce are of the view that for achieving better results, a nominee of each of the Commodity Board should be represented on the Labour Welfare Advisory Boards or Committees of the concerned State Governments.

The Committee hope that the commodity producing State Governments and Union Territories would fully and enthusiastically respond to the suggestion of the Ministry of Commerce for representation of a nominee of each of the Commodity Boards on their Labour Welfare Advisory Boards or Committees.

5.9. The suggestion of the Ministry of Commerce that a Standing Committee, comprising the representatives of all the producing State Governments and the Commodity Boards may be set up to periodically review the implementation of various labour welfare measures and to ensure strict enforcement of the provisions of the Plantation Labour Act, 1951, needs serious consideration and statutory provisions for this purpose applicable to all the commodity producing States and Union Territories may be made in the Plantation Labour Act, 1951.

VI

ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS OF THE COMMITTEE ON PETITIONS CONTAINED IN THEIR THIRTY-FOURTH REPORT (FIFTH LOK SABHA) ON THE REPRESENTATION REGARDING CONVERSION OF NARROW-GAUGE RAILWAY LINES OF JABALPUR-GONDIA, GONDIA-CHANDRAPUR, NAINPUR-MANDLA FORT AND NAINPUR-CHHINDWARA-PARASIA-NAGPUR INTO BROAD-GAUGE LINES.

6.1. In their Thirty-fourth Report (Fifth Lok Sabha), the Committee, after considering the representation regarding conversion of narrow-gauge railway lines of Jabalpur-Gondia, Gondia-Chandrapur, Nainpur-Mandla Fort and Nainpur-Chhindwara-Parasia-Nagpur into broad-gauge lines had recommended as follows:—

> "The Committee would like the Ministry of Railways to furnish to the Committee in due course a report on the engineering survey of Jabalpur-Gondia section and the decision of the Government thereon. The Committee hope that the work of conversion of the narrow-gauge lines of Jabalpur-Gondia section into broad-gauge will be completed by the Ministry of Railways on a priority basis within the period of four years envisaged by them.
>
> The Committee also recommend that a time bound programme may be drawn up by the Ministry of Railways (Railway Board) for conversion of the entire narrow-gauge system in the Satpura range so that the economic development of this backward and undeveloped area may be accelerated. The Committee hope that considerations of returns on capital investment will not be the sole criteria in determining the priority of this project and the special needs of this backward region will be given due consideration in the matter."
>
> [Paras 2.19 & 2.20, page 8, Thirty-Fourth Report (Fifth Lok Sabha)]

6.2. The Ministry of Railways (Railway Board) with whom the question of implementation of the above recommendations of the

Committee was taken up, stated in their action taken reply as follows:—

"A copy of the survey report of Jabalpur-Gondia section shall be sent to the Committee in due course. The decision of the Government shall also be conveyed as desired.

No specific commitment can, however, be given regarding completion of the gauge conversion project at this stage as the Survey is yet to be carried out and the availability of funds for gauge conversion is extremely limited. In the evidence before Committee, it had been stated that the project could be completed in 4 years' time after getting the sanction but no commitment was given regarding any priority being given for the project and when it will be possible to sanction it.

Due to acute scarcity of resources, the Ministry of Railways have been finding it difficult even to allocate necessary funds on the 'on-going' schemes of new railway lines and gauge conversion projects. The priority for the conversion of Satpura range N. G. system will be determined on the basis of the preliminary engineering-cum-traffic survey to be done for Gondia-Jabalpur section. It will not be possible for the Ministry of Railways to draw up a time bound programme for a project anticipated earlier to cost about Rs. 66 crores as it will be difficult to execute this project within the limited allotment of funds made by the Planning Commission. The special needs of the backward area will be given due consideration in taking investment decision on this project."

6.3. The Committee at their sitting held on the 3rd October, 1977, examined the representatives of the Ministry of Railways (Railway Board) on the points arising of the action taken replies furnished by the Ministry of Railways on the matter.

6.4. In his evidence, the Additional Direction (Works), Railway Board, stated that a survey was carried out for the conversion of northern Satpura system as suggested by the Uneconomic Branch Lines Committee. They had actually examined both the southern Satpura as well as northern Satpura systems. But they felt that since the northern Satpura system had got higher traffic potential, it might be considered first for conversion and therefore they had suggested a survey for that portion of the system. The survey of the northern Satpura system was started in 1971 and completed in 1973. According to the survey report, conversion of the whole

northern system would cost Rs. 66 crores and the return on the outlay was worked out to be 0.5 per cent, which was considered to be rather low because the minimum requirement for a line to be remunerative was ten per cent return. A study was made by them separately of the Jabalpur-Gondia line and the connected branch-lines. The cost of conversion of that section was worked out to be Rs. 29 crores and the return was worked out to be 2.7 per cent. Thus, that part of the conversion was a better project than the Satpura system taken as a whole, but even that was very much less than ten per cent which was the minimum required for making this line remunerative. It was, therefore, felt that that conversion might not be given a higher priority and that the other schemes in the country which were giving a better return and offering more traffic might be given a higher priority. Nonetheless, this project had not even given up. The State Government had, however, stated that Ministry of Railways' estimates of traffic were somewhat on the low-side. The cost had also not been worked out in detail; it had been worked out only approximately. For Jabalpur-Gondia line, the engineering-cum-traffic survey was being carried out separately and appraisal would be made taking into account the State Government's latest views about the potential of that line.

In reply to a query, the witness stated that that survey had not yet been completed; it would be completed by March, 1978. The witness added that in case the project turned out to be promising, it would be taken up.

6.5. Regarding the policy on gauge conversion, the representatives of the Railway Board stated that the Ministry of Railways had given a note which was reproduced on page 20 of the Thirty-fourth Report of the Committee on Petitions (Fifth Lok Sabha) in which the following three main criteria were mentioned:—

"In the case of gauge conversion, a project is taken up:—

(i) when a section becomes saturated and is incapable of handling additional traffic as in the case of Barabanki-Samastipur and Viramgam/Okha/Porbander projects.

(ii) when the magnitude of the transhipment involved is such that it is uneconomical or is not feasible at all as in the case of Viramgam/Okha/Porbander Projects.

(iii) when they are needed for providing speedy and uninterrupted means of communication to areas which have potential for growth as in the case of New Bongaigoan-Gauhati conversion project and Ernakulam-Trivandrum project."

6.6. The Additional Director, Railway Board, added that according to the present practice, if a project was unremunerative, it would be charged to the Development Fund and not to capital account. The money in the development fund was very limited. That itself was a constraint on the number of unremunerative projects which could be taken up.

6.7. In reply to a query by the Committee, the Additional Director, Railway Board, stated that there were at present two projects charged to the Development Fund, namely, Moradabad-Ramnagar, and Lalkuan-Kashipur. They were approved in 1973-74 budget. The witness added that as far as the formulation part was concerned, each individual major scheme included in the budget was personally approved by the Minister of Railways.

6.8. The Committee enquired from the witnesses whether they held consultations with the State Government concerned and the public representatives before a decision was taken for conversion of a narrow-gauge railway line into broad-gauge line. The Additional Director, Railway Board, stated that they received information from all agencies, including the Planning Commission, State Governments and the Ministries of the Central Government. A survey took into account the immediate and long term growth for the next 20—30 years, schemes of the private parties, the State Governments and the Central Government schemes. Very often, the plans had been changed and the things did not materialise or materialised more than what they had expected. In the present case, the State Government had written twice for taking up the project. They had based their assessment on the movement of manganese ore and that the Bhilai Steel Plant would have production of seven million tonnes by 1980-81. At present, that did not seem to be materialising. To that extent, they could not accept the assessment as given by the State Governments in toto.

6.9. The Committee desired to know from the witness whether the Railway Board had taken up with the State Government of Madhya Pradesh the question of sharing the expenditure or loss in the conversion of those railway lines. The representative of the Ministry of Railways stated that if the latest survey report brought out that there would be losses on this line and there was need of their participation, they would write to the State Government.

6.10. In regard to future planning for development of railway lines, the representative of the Ministry of Railways stated that the Ministry of Railways had pleaded for a special fund to be created with a special allocation of money for construction of new lines in backward areas. But that had not been quite acceptable to the Planning Commission and other Ministries who were involved because they felt that a railway line should be constructed not because an area was backward but because, according to them, there was enough traffic to justify the construction of the line.

The Public Accounts Committee of Lok Sabha had also supported them and in their 191st Report they had again reiterated the view that this policy was not correct, that Ministry of Railways should go to Parliament with a policy resolution like the Industrial Policy Resolution. They had formulated certain proposals and sent them to the concerned Ministries for coments and it would take some time. As soon as it was finalised, they would come to Parliament with their proposals for their approval.

6.11. The representative of Railway Board further stated that the Planning Commission had core sector comprising of fertilizer, cement, power and coal, etc. for which they were prepared to give all the money and also for any new railway lines connected with that core sector. But for the general development of the backward areas, they had not been giving money. The Planning Commission had not crystalised their ideas as to what priority should be given to the backward areas and to the railway lines in those areas.

6.12. The witness also informed the Committee that commercial loans for the development of railways had been ruled out because they bore an interest of 12 or 13 per cent. Further World Bank loans were not of much help to them because they wanted rupee resources and that came from the General Revenues.

6.13. The Committee asked the witnesses to state whether there was any proposal for levy of development tax for the opening of railway lines. The Additional Director, Ministry of Railways, stated that the Development Fund that they had mooted was supposed to finance new railway lines in backward areas but the Railway Convention Committee did not like it and they felt that railways should not proceed on that basis and by and large, they said, the commercial aspect should remain. So, they scrapped the idea of financing from the development fund.

6.14. In reply to a question, the representative of the Railway Board informed the Committee that the implementation of the project in question depended upon the availablity of money. He added

that once the project was approved and there was substantial provision in the Sixth Plan, then there would be a time-bound programme.

6.15. In their communication dated the 29th April, 1978, the Ministry of Railways (Railways Board) have stated that "the Preliminary Engineering-cum-Traffic Survey for the conversion of the Jabalpur-Gondia narrow gauge line is nearing completion. Further action in the matter will be taken as soon as the Survey is completed and Government's decision regarding conversion of this line will be conveyed to the Committee."

6.16. The Committee note the position stated by the Ministry of Railways and recommend that the preliminary Engineering-cum-Traffic Survey for the conversion of the Jabalpur-Gondia narrow-gauge line into broad-gauge may be expedited by the Ministry of Railways, and the proposal for the conversion of that railway line may be approved by them as early as possible.

NEW DELHI;
Dated the 16th August, 1978.

HARI VISHNU KAMATH,
Chairman,
Committee on Petitions.

APPENDIX I

(*See* para 2.1 of the Report)

[Petition No. 15 regarding re-scheduling of Vimukat Jaties as Scheduled Tribes and their other demands]

LOK SABHA

PETITION NO. 15

(Presented to Lok Sabha 10-5-1978)

[Considered by the Committee on Petitions, Lok Sabha at their sitting held on the 27th June, 1978, and circulated in pursuance of the Committees direction under Rule 307(1) of the Rules of Procedure and Conduct of Business in Lok Sabha]

To

LOK SABHA

NEW DELHI.

The humble petition of Shri Nirmal Singh Nirmal, General Secretary Uttari Bharat Khanabadosh Vimukat Jaties Sangh, Ladhowal Mohalla, Ludhiana, Baba Singh Sahni, Vice-President, All India Vimukat Jatian, Ladhawal, Ludhiana, Menght Singh Bauria, Kanianwali, Teh. Muktsar, Distt. Faridkot and other from different parts of Punjab State.

SHEWETH:

(1) That Vimukat Jaties (Denotified Nomadic Tribes) had been in the list of Tribes for so many decades. They were known for three centuries in the past by different expressions such as Original Tribes, Criminal Tribes, Wandering Tribes, Backward Tribes, Depressed Tribes, former Criminal Tribes, Denotified Tribes, etc. The word 'tribes' was used with each expression. It was in the year 1952 that they were included in the list of Scheduled Castes despite the fact that they fulfilled the criteria for including them in Scheduled Tribes. Their inclusion in Scheduled Castes was without any lawful justification. It resulted in political gain to Scheduled Castes and economic and political loss to Denotified Tribes and Nomadic Tribes, which terminologies described ourselves.

(2) That All India Criminal Tribes Act Enquiry Committee led by Shri Ananthasaynam Ayanger in 1949—52 and Advisory Committee on Revision of Lists of Scheduled Castes and Scheduled Tribes, 1965, suggested and recommended the grant of soecial treatment to Vimukat Jaties but all went in vain during the erstwhile regime which ended in March, 1977.

(3) That under Article 15(4), 16(4), 46 and 339(2) the Government of India can give special treatment to Vimukat Jaties. Under Article 15(4) the State Government can make special provision for weaker sections and under Article 16(4) quota of service can be reserved separately from other Scheduled Castes and under Article 339(2) the Union Government can give direction to a State to the drawing up and execution of schemes which are essential for the welfare of weaker section like Vimukat Jaties. In the light of the above mentioned Articles the Maharashtra Government has reserved the quota of services for Vimukat Jaties separately from the Scheduled Castes.

(4) That Vimukat Jaties (former Criminal Tribes) who were removed from the list of criminal tribes on 31-8-1952 deserve to be granted pensions like political sufferers of Freedom Movement and victims of emergency.

(5) That what is already provided in the Constitution should have been given by the Government to the Vimukat Jaties. It is regretted that their applications and reminders are thrown in the waste paper basket inspite of the fact that there are so many enabling provisions in the Constitution to establish separate directorate for Vimukat Jaties and to make special reservation of appointments and posts in favour of Vimukat Jaties.

Accordingly your petitioners pray:

(1) In the light of provisions of the Constiution, provisions contained in the Election Manifesto, of Janata Party of India and declaration made by the Hon'ble Prime Minister and Home Minister of India to give adequate political representation to minority communities like Khanabadosh Vimukat Jaties. Political representation may be given to Vimukat Jaties.

(2) Vimukat Jaties (Denotified Tribes and Nomadic Tribes) be incluled in the list of Scheduled Tribes, by excluding them from Scheduled Castes.

(3) One member may please be nominated in Parliament of India from Vimukat Jaties.

(4) One non-Official Member from the Denotified Tribes and Nomadic Tribes (Vimukat Jaties) be taken from Vimukat Jaties on Minority Commission.

(5) Representation to non-Official member in All India Harijan Welfare Advisory Board and such Boards at State level, be given.

(6) Member from Vimukat Jaties (Denotified Tribes and Nomadic Tribes) be nominated in Union Public Service Commission, and other Commissions and Boards at States level.

(7) Atleast one member be nominated in each Panchayat from Vimukat Jaties irrespective of their population.

(8) Vimukat Jaties five members Advisory Committee in each State be recognised by Gazette Notification.

Under Article 339(2) direction may please be given to Punjab State to the drawing up and execution of schemes essential for the welfare of Khanabadosh Vimukat Jaties and also report from Punjab Govt. may be asked for to include Denotified and Nomadic Tribes (Khanabadosh Vimukat Jaties) in the lists of Scheduled Tribes so as to achieve the goal of socialism.

And your petitioners as in duty bound shall ever pray.

Name of the Petitioner	Address	Signature or Thumb Impression
Shri Nirmal Singh Nirmal	General Secretary, The Uttari Bharat Khanabadosh Vimukat Jaties Sangh, Ladhowal, Ludhiana, Punjab.	Sd/-
Shri Babu Singh Sahni	Vice-President, All India Vimukat Jatian, Ladhowal, Ludhiana.	Sd/-
Shri Mengha Singh Bauria	P. O. Kanianwali, Tehsil Muktsar, Distt. Faridkot.	Sd/-
and others.		

Countersigned by: Purnanarayan Singha, M.P. Div., No. 41.

APPENDIX II

(*See* para 3.2 of the Report)

[COPY OF PROCEEDINGS OF THE SEVENTH MEETING OF THE DELHI DEVELOPMENT PROVISIONAL AUTHORITY HELD ON MONDAY THE 16TH APRIL, 1956 AT 10.00 A.M.]

DELHI DEVELOPMENT PROVISIONAL AUTHORITY

SUBJECT: Layout Plan of land on Wazirpur Road.

The Harijan House Construction Society (Arya Pura, Subzimandi, Delhi) who own some land at Wazirpur Road, had submitted to the Delhi Improvement Trust a layout plan for the utilization of the land for residential purposes. The area having since been included within 'a controlled are the case has been forwarded by the Trust to the Authority for necessary action.'

(2) The layout plan as submitted on behalf of the Society (laid on the table) has been examined by the Standing Committee for layout plans and they recommended that the plan be approved subject to the condition that in undertaking individuals construction, the members of the Society will provide an adequate setback. The Standing Committee also suggest that a request be made to Delhi State Government to provide suitable amenities like wells etc., as the Society with its slender resources may not be able to meet their cost. The recommendations of the Standing Committee is submitted for the approval of the Authority.

[F. No. 4(88)/56-Admn.]

Resolution

Resolved that the recommendation of the Standing Committee be approved.